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MARCIA M. WALDRON

CLERK

**UNITED STATES COURT OF APPEALS**

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE

215-597-2995

February 11, 2005

Mary E. D'Andrea, Clerk  
United States District Court  
P.O. Box 983  
Harrisburg, PA 17108-0983

Re: USA v. Stackpole  
(M.D. Pa. No. 04-cv-01953)

Dear Ms. D'Andrea:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached Request for a Certificate of Appealability which should be construed as a notice of appeal and was apparently filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. The notice was postmarked February 8, 2005.

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Once the appeal has been transmitted to the Court of Appeals, the document will be docketed as a request for a certificate of appealability in this Court.

Thank you for your assistance in this matter.

Very truly yours,  
Marcia M. Waldron, Clerk  
By: /s/ Patricia S. Dodszeit  
Legal Coordinator

Enclosure

cc: R. Steven Stackpole (w/out enclosure)  
Kim Douglas Daniel, AUSA (w/out enclosure)